

# EXHIBIT “C”

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

5 GERALD RUHNOW and CONNIE \*  
6 RUHNOW, \*  
7 Plaintiffs, \*  
8 \*  
9 VS. \* NO. 2:05 CV 527-F  
10 \*  
11 LANE HEARD TRUCKING, LLC., \*  
12 et al \*  
13 Defendants. \*

16 ORAL DEPOSITION OF MS. CHRISTY CHAMPION,  
17 a witness produced pursuant to the Federal Rules of  
18 Civil Procedure, in the above-styled and numbered  
19 cause on the 19th day of April, 2006, before Sheila  
20 Hanson, CSR, a Notary Public in and for the State of  
21 Alabama, at the law offices of Mr. Cliff Hastings  
22 with Carvera, Ralph & Reeves, Attorneys at Law, Troy,  
23 Alabama.

24 \* \* \* \* \*

1

STIPULATION

3 It is stipulated by and between counsel  
4 for the parties that this deposition be taken at this  
5 time by Sheila Hanson, Court Reporter and Notary  
6 Public, State at Large, who is to act as commissioner  
7 without formal issuance of commission to her; that  
8 said deposition shall be taken down stenographically,  
9 transcribed, and certified by the commissioner.

10 Except for objections as to the form of  
11 questions, no objections need to be made at the time  
12 of the taking of the deposition by either party, but  
13 may be interposed by either party at the time the  
14 deposition is read into evidence, which shall be  
15 ruled upon by the Court on the trial of the cause  
16 upon the grounds of objection then and there  
17 assigned.

18 The deponent, Ms. Christy Champion,  
19 waives the reading and signing of the deposition.

3

APPEARANCES

3 FOR THE PLAINTIFF:  
4 MR. CALLEN SPARROW  
5 HENNINGER, BURGE, VARGO & DAVIS, LLP,  
6 2146 Highland Avenue  
7 Birmingham, Alabama 35204  
8  
9 FOR THE DEFENDANT (Lane Heard Trucking):  
10 MS. KATIE L. HAMMETT  
11 HAND ARENDALL, LLC  
12 P. O. Box 123  
13 Mobile, Alabama 36601  
14  
15 FOR THE DEFENDANT (Christy Leann Champion):  
16 MR. RICHARD MCCONNELL (MAC) FREEMAN, JR.  
17 RUSHTON STAKELY JOHNSTON & GARRETT PC  
18 P.O. Box 270  
19 Montgomery, AL 36101-0270  
20  
21 MR. RANDALL GILL

2

INDEX

| Witness Name             | Page |
|--------------------------|------|
| Christy Leann Champion   | 5    |
| Direct By Mr. Sparrow    | 42   |
| Cross By Mr. Whitt       | 67   |
| Cross By Ms. Hammett     | 84   |
| Cross By Mr. Gill        | 88   |
| Re-Direct By Mr. Sparrow | 88   |
| Re-Cross By Mr. Whitt    | 87   |

EXHIBITS

| Exhibit                                 | Page |
|---|------|
| Exhibit No. 1 Marked for Identification | 86   |

COPY

4

1 CHRISTY LEANN CHAMPION,  
 2 the witness hereinbefore named, being first duly  
 3 cautioned and sworn or affirmed to tell the truth,  
 4 the whole truth, and nothing but the truth, was  
 5 examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SPARROW:

8 Q State your name for the record, please  
 9 A Christy Leann Champion.  
 10 Q Where do you live? What's your address  
 11 now?  
 12 A It's 105 Sandy Lane.  
 13 Q Where is that?  
 14 A It's right here, in Troy, Alabama.  
 15 Q Do you work, Ms. Champion?  
 16 A Yes, sir.  
 17 Q Where?  
 18 A At McDonalds here, in Troy.  
 19 Q How long have you been there?  
 20 A I've been there now about three months.  
 21 Q Are you married?  
 22 A No, sir.  
 23 Q Have you been?  
 24 A I'm divorced.  
 25 Q What is your former husband's name?

5

1 County area?  
 2 A Yes, sir.  
 3 Q Is Champion your maiden or married  
 4 name?  
 5 A My maiden name is Boswell. And my  
 6 married name is Champion.  
 7 Q Brothers and sisters in this area?  
 8 A Yes, sir.  
 9 Q How many?  
 10 A I have two sisters and five brothers.  
 11 Q Do they all live in Pike County?  
 12 A Yes, sir.  
 13 Q Tell me again what your maiden name  
 14 was?  
 15 A It's Boswell.  
 16 Q Are your brothers all Boswells?  
 17 A No, sir.  
 18 Q What are their names?  
 19 A It's Solis.  
 20 Q Spell that?  
 21 A S-o-l-i-s. Baker. Russell -- no. Ross.  
 22 I'm sorry.  
 23 Q Ross?  
 24 A Yes, sir.  
 25 Q Is that it?

7

1 A Richard Alexander Champion.  
 2 Q Where does he live?  
 3 A He is residing in Ventress over in  
 4 Clanton.  
 5 Q Does he work? Or do you know?  
 6 A I couldn't tell you.  
 7 Q If he does, you don't know where he  
 8 works?  
 9 A I couldn't tell you.  
 10 Q How long have you been at McDonalds?  
 11 A About three months.  
 12 Q Where did you work before that?  
 13 A I was at Pick and Save, which is a new  
 14 grocery store coming in.  
 15 Q How long were you there?  
 16 A I was there a good six months.  
 17 Q What did you do there?  
 18 A I was a cashier.  
 19 Q How about before Pick and Save?  
 20 A I was employed at Dairy Queen.  
 21 Q Children?  
 22 A I have two.  
 23 Q What are their ages?  
 24 A Six and eight.  
 25 Q Are you from around here? From the Pike

6

1 A Yes, sir.  
 2 Q Your sisters, are they married? What are  
 3 their names  
 4 A Baker and Boswell.  
 5 Q What are your sister's first names?  
 6 A Tosha and Donna.  
 7 Q If I have gotten your "Answers to  
 8 Interrogatories," Ms. Champion, I apologize. I  
 9 haven't read them. So I am likely going to ask you a  
 10 few things that you have answered anyway.  
 11 You know that we are here about a wreck  
 12 that happened out on 231 in March of 2005? Right?  
 13 A Yes, sir.  
 14 Q Where were you coming from when that  
 15 wreck happened?  
 16 A I was leaving from my home.  
 17 Q Which was at that time on Cactus Drive?  
 18 A Yes, sir.  
 19 Q Where were you going?  
 20 A I was going to Pinckard's Store, right  
 21 down below from my house.  
 22 Q Were you by yourself?  
 23 A Yes, sir.  
 24 Q What time of day was it, as you remember  
 25 it?

8

1 A It was -- it was at night.  
2 Q What was the weather like?  
3 A At the beginning it was -- it was not --  
4 it had not started, but just misting rain.  
5 Q Okay. Now, the wreck itself or wrecks  
6 happened out on the southbound lanes of 231?  
7 Correct?  
8 A Uh-huh.  
9 Q How did you get onto 231? Where were you  
10 coming from? What street?  
11 A I was coming from County Road 553. And I  
12 had gotten into the middle lane, the turn.  
13 Q You made a left on the county road onto  
14 231?  
15 A Yes, sir.  
16 Q You crossed the northbound lanes into the  
17 middle turn lane?  
18 A Yes, sir.  
19 Q Then what did you do?  
20 A I left my right blinker on, because there  
21 was traffic coming from the Troy area.  
22 Q This happened south of Troy?  
23 A Yes.  
24 Q All right.  
25 A And I had -- I was using my mirrors, as

9

1 were sitting there waiting to move over?  
2 A Yes, sir.  
3 Q Tell me what happened?  
4 A Okay. Once -- like I said, once I  
5 noticed that, you know, there was no other cars  
6 coming, before I would proceed out into the roadway  
7 into the lanes, I looked back over my right shoulder.  
8 And whenever I did, I did not see anything coming.  
9 It was clear.  
10 Q As you are in that turn lane, looking  
11 back towards, I guess, Troy? Back north?  
12 A Right.  
13 Q What is the road like? Is it flat?  
14 A Yes, sir.  
15 Q Is it straight?  
16 A Yes, sir.  
17 Q Do you have a judgment as to how far back  
18 you can see?  
19 A Where I was, I would say, it was probably  
20 about a good 100 to 500 feet back, I guess.  
21 Q Are you familiar with this area?  
22 A Yes.  
23 Q You have lived in this area for some  
24 time?  
25 A Yes, sir.

11

1 well as I had my blinker on. And whenever I noticed  
2 that there was no other vehicles coming, I looked  
3 over my right shoulder to make sure before I pulled  
4 on out into the roadway. And I -- everything was  
5 clear. I didn't see anything else coming.  
6 Q Did you have your lights on?  
7 A Yes, sir.  
8 Q Was it raining at the time you were there  
9 in the turn lane?  
10 A It was misting.  
11 Q Did you have your wipers on?  
12 A Yes, sir.  
13 Q Was it that intermittent type of thing,  
14 or was it wiping constantly?  
15 A Intermittent.  
16 Q Where it would wipe, and then sit down  
17 for a minute, and then wipe?  
18 A Uh-huh.  
19 Q How long had you been in that turn lane  
20 before you moved over to the travel portion of the  
21 road?  
22 A I would say about two or three minutes.  
23 Q So you had been there a while?  
24 A Uh-huh.  
25 Q Had some traffic passed you while you

10

1 Q You have made this turn onto 231 --  
2 A Many times.  
3 Q -- many times? All right. You looked  
4 behind, and you didn't see anything? Then what did  
5 you do?  
6 A I proceeded over into the right lane,  
7 which is called the fast lane.  
8 Q I would call that the left lane.  
9 A Okay. Left lane.  
10 Q The left lane of the two southbound  
11 lanes?  
12 A Right. Which is considered the fast  
13 lane.  
14 Q Right. Okay. Then tell me what  
15 happened?  
16 A Okay. I still had my blinker on  
17 indicating that I wanted to move over into the right  
18 lane.  
19 Q You never turned your blinker off?  
20 A No, sir. I looked over my -- as well as  
21 using my mirrors, I looked over my shoulder and still  
22 seen nothing coming, so I moved over into the slow  
23 lane, which was the -- we are going to say the right  
24 lane. Because I was wanting to get over into the  
25 turning lane for the store. Before I got into the

12

1 turning lane for the store, I want to look back up --  
2 I looked back in my rear view mirror, again. And  
3 that's when I noticed that Mike Adkins was right  
4 there on the bumper of my car. And he was dead in  
5 the middle of my rear view mirror.  
6 Q How far down the highway was the store  
7 that you were headed to?  
8 MR. FREEMAN: From where?  
9 MR. SPARROW: From where this happened.  
10 THE WITNESS: I would say maybe 25 to 50 feet  
11 from where I turn off from.  
12 Q So it's right there?  
13 A Yes, sir.  
14 Q How far from the county road -- is it  
15 553? Is that right? That you turned onto the  
16 highway off of?  
17 A Yes, sir.  
18 Q How far from that intersection of County  
19 Road 553, to where the the store is? About?  
20 A I would say 25 to 50 yards.  
21 Q So it is right there? It's almost like  
22 crossing the highway?  
23 A Yes, sir.  
24 Q Were you -- did you come to a complete  
25 stop in the turn lane in the middle?

13

1 A Yes, sir.  
2 Q And as I understand your testimony, you  
3 looked, like you said, and then you merged or moved  
4 into the fast lane?  
5 A Uh-huh.  
6 Q And then you checked your mirrors again  
7 and merged into the slow lane?  
8 A I looked over my shoulder again before I  
9 proceeded over.  
10 Q Right. And that's when the impact  
11 occurred between the motorcycle and your car?  
12 A Right.  
13 Q And you were in the right-hand lane, the  
14 slow lane?  
15 A Yes, sir.  
16 Q Were you all the way in it?  
17 A Yes, sir.  
18 Q About how fast were you traveling at the  
19 time the impact occurred between the motorcycle and  
20 your car?  
21 A I'm not sure. Because I had not looked  
22 down at my speedometer.  
23 Q Do you have any judgment just from your  
24 experience -- and you may not. But as an experienced  
25 driver, do you have a judgment as to how fast you

14

1 were going at the time the wreck happened?  
2 A I would say I was going between 40 and 45  
3 miles an hour.  
4 Q At the time the motorcycle impacted your  
5 car?  
6 A (Nodding in the affirmative).  
7 Q If that hadn't of happened, would you  
8 have just continued from the right-hand lane, or the  
9 fast lane, as we are calling it, into the turn lane,  
10 the lane right next to it?  
11 A Can you repeat that, please?  
12 Q Yes. Were you going to travel down 231  
13 in the slow lane for some period of time, or were you  
14 going to keep crossing over into the turn lane?  
15 A No. I was going to get over into the  
16 turn lane in front of the store.  
17 Q And the store was right there? The store  
18 was pretty much where this happened?  
19 A (Nodding in the affirmative).  
20 Q Was your blinker on the whole time you  
21 were making these movements from lane to lane?  
22 A Yes, sir.  
23 Q Did you ever see -- you may have just  
24 answered this. Did you ever see the motorcycle prior  
25 to the impact between the motorcycle and your car?

15

1 A No, sir.  
2 Q And what portion of your car did the  
3 motorcycle hit?  
4 A It was the bumper, the back bumper of the  
5 car.  
6 Q Was it the center of your car? Or  
7 towards the left or towards the right?  
8 A When I looked up in my rear-view mirror,  
9 I seen him dead in the middle of my rear-view  
10 mirror.  
11 Q When you saw him, was that immediately  
12 before the impact or immediately after?  
13 A To be truthful, I never felt the  
14 motorcycle ever hit my car.  
15 Q When you saw the motorcycle, what did you  
16 see? Did you see a headlight?  
17 A I seen the headlight.  
18 Q Of the motorcycle?  
19 A Yes, sir.  
20 Q Did all your lights work?  
21 A Yes, sir.  
22 Q And you had them on?  
23 A Yes, sir.  
24 Q Including your blinker?  
25 A Yes, sir.

16

1 Q Did your brake lights work?  
2 A Yes, sir.  
3 Q Can you take a stab at drawing for me the  
4 area where this happened? Just the lanes? Let me  
5 give you an idea of what I'm looking for. And you  
6 may be an artist. I'm not. I'm looking for  
7 something like this. That would be the turn lane,  
8 southbound lane, northbound. Something like that.  
9 Will you do that for me? Because what I  
10 want you to do at some point is show me where in  
11 these lanes y'all were, and where the store was, if  
12 that's close enough in the picture.  
13 Will you try that and see if it works.  
14 If it's not something that we can use, we will try to  
15 go another route.  
16 Q And if possible try to give yourself some  
17 room, showing where you ended up when all this --  
18 when you stopped your car.  
19 A (Witness did as requested).  
20 Q Okay. That has our lanes. And I don't  
21 want you to draw anything else, yet. This is the  
22 store?  
23 A Yes, sir.  
24 Q This blank lane on the right-hand side of  
25 the page is the turn lane --

17

1 A Yes, sir.  
2 Q -- that you were going to get into to  
3 turn into the store?  
4 A Yes, sir.  
5 Q Let me see here, if we use this as a top,  
6 this will be South? Correct?  
7 A Yes, sir.  
8 Q And Troy is back this way? Is that  
9 right?  
10 A Yes, sir.  
11 Q Okay. What I want you to do, if you  
12 would, to draw just like a rectangle to represent  
13 your car, and however you want to draw the  
14 motorcycle.  
15 If you will, draw the rectangle showing  
16 your car in the southbound slow lane. And what I  
17 want you to do is to put the rectangle as best you  
18 can, in the same posture in regard to the different  
19 edges of the lane as you were when the impact  
20 occurred, if you were dead center --  
21 MR. FREEMAN: Just to be clear, she is not  
22 exactly sure when the impact  
23 occurred.  
24 MR. SPARROW: Because she didn't feel it.  
25 I understand.

18

1 Q When you first saw the motorcycle --  
2 you've drawn, it was fully in the lane?  
3 A Yes, sir.  
4 Q Basically in the middle of the lane where  
5 you were traveling?  
6 A Yes, sir.  
7 Q Then there is an impact, you now know,  
8 between the motorcycle and your car? Correct?  
9 A Yes.  
10 Q You realize that when you look in your  
11 mirror?  
12 A Yes.  
13 Q What happened to the driver? Do you see  
14 what happened to Mr. Adkins after the impact?  
15 A I'm -- I keep looking in my rear-view  
16 mirror. And he was still on the motorcycle. And  
17 then I seen the motorcycle go down onto the  
18 roadway.  
19 Q And Mr. Adkins, along with it, I guess?  
20 A Yes, sir.  
21 Q What did you do at that time?  
22 A I moved my vehicle over into this turn  
23 lane. And his motorcycle was still right here.  
24 Q And you've drawn a line in the right-hand  
25 southbound lane?

19

1 A Un-huh.  
2 Q And it's all perpendicular to the road?  
3 Is that the way it was lying?  
4 A Yes, sir.  
5 Q Which direction was the front wheel of  
6 the motorcycle pointing?  
7 A The wheels would be pointing back this  
8 way.  
9 Q The two little circles below the line  
10 would indicate the wheels?  
11 A Yes, sir.  
12 Q Was it lying in the middle of the lane,  
13 as you are showing it there? Or was it towards the  
14 right-hand edge? Or towards the middle?  
15 A It was just like that.  
16 Q All right. I'm looking, and I just want  
17 to get it clear. Because I want to make sure we are  
18 all on the same page. I'm looking at the  
19 interrogatory answer to number 6. And it states that  
20 the motorcycle was on the edge of the right-hand  
21 lane. Tell me what you mean by that?  
22 A Meaning that the back wheel was closer to  
23 the edge of roadway.  
24 Q That's what I'm trying to figure out.  
25 The back wheel was closer to the right-hand side of

20



1 the southbound slow lane?

2 A Yes, sir.

3 Q And so the front wheel would have been  
4 pointing back towards the middle of the highway; and  
5 the wheels, on the north side of the motorcycle.  
6 Okay.

7 So you stopped your car. And you have  
8 drawn another rectangle in the turn lane for the  
9 store?

10 A Yes, sir.

11 Q Do you have a judgment, Ms. Champion, as  
12 to how far your car traveled from, when you first saw  
13 him in the rear-view mirror and realized that  
14 something happened, and when you were able to bring  
15 it to a stop?

16 A It wasn't very far.

17 Q You weren't all the way to the store,  
18 yet?

19 A No, sir. I was -- I had gotten into this  
20 turn lane.

21 Q After you realized what happened, you  
22 pulled, as quickly as you could -- pulled over into  
23 the turn lane and stopped?

24 A And still, you know, checking my  
25 rear-view mirror, making sure there was nothing, and

21

1 Mr. Adkins was when you first got back to him, after  
2 getting out of your car?

3 A Yes, sir.

4 Q Tell me what happened then? Did y'all  
5 say something? Talk to each other?

6 A I asked him if he was okay. And I told  
7 him: I'm sorry. But not meaning as in saying I  
8 actually caused this wreck.

9 Q I understand. You said: I'm sorry.

10 Then what did he say?

11 A I don't recall what all he was --

12 Q Do you recall any of what he said?

13 A No, sir. I do recall one particular  
14 thing that he did say.

15 Q Tell me that.

16 A Because when we were standing there  
17 speaking, I had -- I was facing -- I was -- he's  
18 still standing facing the roadway. And I'm turned  
19 facing back this way.

20 Q You are facing Troy?

21 A Yes, sir.

22 Q He is facing his motorcycle?

23 A Right.

24 Q Okay?

25 A As we were standing there, I looked, and

23

1 looking over to make sure nothing was coming into  
2 this lane.

3 Q But had you stopped in that turn lane --

4 A Yes, sir.

5 Q -- between what is now motorcycle on the  
6 road and the store?

7 A Yes, sir.

8 Q Were you closer to the store or the  
9 motorcycle?

10 A I would say, I was middle ways.

11 Q Pretty much closer to the middle?

12 A (Nodding in the affirmative).

13 Q What did you do after you stopped your  
14 car?

15 A I got out of my car, and I walked back to  
16 Mr. Adkins.

17 Q Where was he?

18 A He was standing on the roadway over  
19 here.

20 Q Will you write "M. A." next to that line  
21 that you have drawn?

22 A "M. A."?

23 Q For Michael Adkins. Now you have drawn a  
24 a little line in the turn lane for store with a  
25 "M. A." next to it. And that is to represent where

22

1 and glanced up. And there is a hill --

2 Q Some distance back towards Troy, there  
3 was a hill that dropped down?

4 A Yes. That you could come up. And it  
5 just basically -- it don't just go back down like  
6 this. It just kind of levels back out. Do you see  
7 what I'm saying?

8 Q Yes. Where you are?

9 A Yes, sir, where this is at.

10 Q "This" being the wreck scene?

11 A Right.

12 Q Okay. And I said: Oh, my God. There  
13 comes a diesel truck.

14 He turns and looks and --

15 Q Looks towards Troy, towards the truck?

16 A Un-huh. And he sees the truck coming.

17 And as soon as the truck runs over the motorcycle, he  
18 throws his hands up and says: Oh, well, I have -- I  
19 have full-coverage insurance.

20 (Court reporter asked her to repeat).

21 THE WITNESS: He throws his hands up and says:

22 "Oh, well, I have full coverage  
23 insurance.

24 Q We will get back to that. How long were  
25 you standing there, saying whatever was said between

24

1 the two of you, before you saw a truck come into your  
2 vision heading south?  
3 A I would say about a minute.  
4 Q Not long?  
5 A No, sir.  
6 Q When you pulled your car over, did you  
7 leave your lights on?  
8 A Yes, sir.  
9 Q Was your right blinker still blinking --  
10 A No, sir.  
11 Q -- as it had been from the turn lane into  
12 the next lane?  
13 A No, sir.  
14 Q So the blinker was not blinking --  
15 A No, sir, not whenever he came -- when I'd  
16 stopped.  
17 Q -- when you had stopped? Were your  
18 taillights still on?  
19 A Yes, sir.  
20 Q Headlights still on?  
21 A Yes, sir.  
22 Q And all of which worked?  
23 A Right.  
24 Q How about the motorcycle? Was the light  
25 that you had seen, at or before, immediately after

25

1 coffee table? Is that fair?  
2 A Yes, sir.  
3 Q And you are standing, and you look up,  
4 back towards Troy, and you see an 18-wheel type truck  
5 coming down the highway?  
6 A Yes, sir.  
7 Q What lane was the truck in?  
8 A It was in the lane -- here in this right  
9 lane.  
10 Q The same lane as the motorcycle was in?  
11 A Yes, sir.  
12 Q The lane that you and Mr. Adkins were  
13 standing right next to?  
14 A Yes, sir.  
15 Q Was the motorcycle right in front of  
16 y'all?  
17 A Yes, sir.  
18 Q Or right to your right?  
19 A Yes, sir.  
20 Q Did you move -- did you move? Did you  
21 go: I've got to get out of standing right here?  
22 A No. I mean, it was like I just froze.  
23 Q So you were literally standing within  
24 feet -- is that fair -- of the motorcycle, when this  
25 whole thing began with the truck and the

27

1 the impact on the motorcycle, still on?  
2 A No, sir.  
3 Q It was not? Were there any lights on the  
4 motorcycle at the time you walked back to speak to  
5 Mr. Adkins?  
6 A No, sir.  
7 Q And I asked you this a minute ago, but I  
8 want to ask, just to make sure. Do you have a  
9 judgment as to how far your car was from where you  
10 and Mr. Adkins and the motorcycle were?  
11 A It was -- re-ask that one more time.  
12 Q How far is it -- was it, from your parked  
13 car, now, to where the motorcycle was when you and  
14 Mr. Adkins were standing in the turn lane?  
15 A It's -- it was -- it's --  
16 MR. FREEMAN: Don't guess.  
17 Q Don't guess. Do you have a judgment as  
18 to how far it was?  
19 A I am not sure.  
20 Q How far were the two of y'all to the  
21 motorcycle?  
22 A Here's the motorcycle, right here. And  
23 we were right here.  
24 Q All right. So we could do that, you were  
25 as close to the motorcycle as the length of this

26

1 motorcycle?  
2 A Yes, sir.  
3 Q Tell me what happened after the truck hit  
4 the motorcycle, other than what Mr. Adkins said, tell  
5 me what you saw occur with the truck and  
6 motorcycle?  
7 A Oh, okay. I watched the 18-wheeler run  
8 over the motorcycle. I seen the left side of the  
9 diesel truck, the tire just come up off the ground,  
10 whenever it run over that motorcycle.  
11 Q The cab?  
12 A Yes, sir.  
13 Q The tractor tire?  
14 A Yes, sir. It was just like -- like this.  
15 Okay. Here is the motorcycle right here. And the  
16 truck comes, and then that left side, just lifts up a  
17 little bit.  
18 Q That front tire?  
19 A Yes, sir.  
20 Q And then what happened?  
21 A The motorcycle just got lodged up  
22 underneath the cab of the truck. And that's what --  
23 whenever that truck run over the motorcycle,  
24 that's -- at that time that's whenever I started -- I  
25 moved. I just started turning. And my eyes never

28



1 left off that truck.

2 Q That's what I'm asking. Tell me what  
3 happened?

4 A The truck stayed in this right lane there  
5 for a good bit, you know.

6 Q As far down as your car?

7 A Yes, sir. And then it was like -- I  
8 don't know if the truck driver just started panicking  
9 or what. Then all of a sudden there was another  
10 18-wheeler coming from the North --

11 Q Headed north?

12 A Yeah, headed north, coming south. I'm  
13 sorry. And that's whenever I seen the 18-wheeler  
14 that run over the motorcycle -- that's whenever he  
15 curved over, and hit the other truck. And as soon as  
16 that truck -- the trucks hit like this, there was a  
17 gulf of fire, just -- and that's whenever I took off  
18 running to my car to get my cell phone. And I tried  
19 dialing 911.

20 Q Did you talk to 911 folks?

21 A My phone -- it was like my phone just  
22 went down. All it would do is ring.

23 Q Do you have a judgment, Ms. Champion, as  
24 to how fast that truck was traveling at the time it  
25 hit or impacted the motorcycle?

29

1 Q During that time, while you were watching  
2 the truck, did you see the truck make any evasive  
3 action to try to go around the motorcycle to the  
4 left-hand lane?

5 A No, sir.

6 Q Did it appear to you as though the truck  
7 applied its brakes --

8 MS. HAMMETT: Object to the form.

9 Q -- in an effort to stop before hitting  
10 the motorcycle?

11 A No, sir.

12 Q Pinckard's, as I understand what you are  
13 telling me, is basically right behind you? It was  
14 behind you immediately? Not too far down the road  
15 from your car? Correct? And it was still on the  
16 highway but in the turning lane?

17 A Right.

18 Q And just beyond your car was  
19 Pinckard's?

20 A Yes, sir.

21 Q Were the lights on at Pinckard's?

22 A Yes.

23 Q As you walked back to talk to Mr. Adkins,  
24 could you see him standing on the road? Or was it  
25 too dark to see him?

31

1 A No, sir.

2 Q Excuse me?

3 A No, sir.

4 Q Do you have a judgement as to how fast  
5 the vehicle headed north was traveling? The other  
6 truck?

7 A No, sir.

8 Q I didn't ask you. Do you have judgment  
9 as to how fast the motorcycle was traveling  
10 immediately before the impact of your car?

11 A No, sir.

12 Q You said that you first made the comment  
13 to Mr. Adkins: Oh, my God, or something like that,  
14 there's a diesel truck coming this way? Is that  
15 right?

16 A Uh-huh.

17 Q Did you watch that truck, between when  
18 you first saw it, and the impact with the  
19 motorcycle?

20 A Yes, sir.

21 Q Any judgment as to how long that time  
22 frame or that period of time was?

23 A I know there was enough time that the  
24 motorcycle could have been moved out of the  
25 roadway.

30

1 A Okay. As I'm walking back, I could see  
2 the motorcycle. But, I mean, as far as for the truck  
3 driver, from his standpoint, it was too dark.

4 Q I'm not asking about the truck driver.  
5 I'm saying: Could you see the motorcycle as you  
6 walked back to talk to Mr. Adkins -- after you were  
7 able to stop and park your car, could you see  
8 Mr. Adkins?

9 A Yes, sir.

10 Q I know you are familiar with this area.  
11 Would your car, with the lights on, have been visible  
12 to the vehicle that came on top of what you described  
13 as the hill and began in this straight area?

14 MS. HAMMETT: Object to the form.

15 A You lost me on that.

16 Q That was a bad question. If your car is  
17 parked here? Right?

18 A Yes, sir.

19 Q And the lights are on?

20 A Yes, sir.

21 Q Pinckard's is right here?

22 A Yes, sir.

23 Q Lights on? Could a vehicle, if they were  
24 looking, coming from Troy, have seen your car with  
25 the lights on, on the side of the road, as it was

32

1 traveling down the highway?  
2 MS. HAMMETT: Object to the form.  
3 A Yes, sir.  
4 Q Headed south?  
5 A Yes, sir.  
6 Q Do you think the truck driver could you  
7 seen the car --  
8 MS. HAMMETT: Object to the form.  
9 Q -- as he approached that area of the  
10 highway?  
11 A Yes, sir.  
12 Q Do you think he could have seen the two  
13 of y'all standing right next to his lane of travel?  
14 MS. HAMMETT: Same objection.  
15 A I'm not sure.  
16 Q After the impact, tell me what you  
17 remember that was said by you to Mr. Adkins or by  
18 Mr. Adkins to you?  
19 MR. FREEMAN: After which impact?  
20 Q I'm sorry. After the impact of the truck  
21 and the motorcycle. I'm looking for anything that  
22 you heard him say, or you said to him, after the  
23 truck hit the motorcycle and goes on across the road  
24 and has the impact with the other truck?  
25 A The only conversation I had was, is I

33

1 your wreck, and the truck coming by and hitting the  
2 motorcycle, did any cars pass by you --  
3 A Not that I recall.  
4 Q -- or trucks?  
5 A Not that I recall.  
6 Q Have you had any conversation with  
7 Mr. Adkins since the day of the wreck?  
8 A No, sir.  
9 Q Have you had a conversation with anybody  
10 who indicated to you that they saw the wreck, or had  
11 any information about the wreck?  
12 A No, sir.  
13 Q For instance, do you or do you continue  
14 to stop by Pinckard's to shop some?  
15 A Yes, sir.  
16 Q Did anybody at the store mention anything  
17 about that night or anything that they heard or  
18 saw?  
19 A No, sir.  
20 Q You mentioned, when I asked for your  
21 judgment as to how long it was between the impact  
22 between your car and the motorcycle, and the impact  
23 between the truck and the motorcycle, and your  
24 response was enough time to get the motorcycle out of  
25 the road?

35

1 said: I can't get through to 911. I don't know what  
2 happened to my phone, because I dialed 911. And all  
3 it would do is ring.  
4 Q And you said that to Mr. Adkins?  
5 A Uh-huh.  
6 Q You said that he made a comment, at least  
7 I'm fully insured? Or he made a comment about: I  
8 have full coverage insurance?  
9 A Yes, sir.  
10 Q Then the comment by you to him about the  
11 difficulty in reaching 911?  
12 A Uh-huh.  
13 Q Is there anything else that you remember  
14 him saying to you while you were standing there,  
15 either before or after the wreck, between the truck  
16 and the motorcycle?  
17 A I know I did ask if I could use his phone  
18 to call my fiancé, at the time, so that I could get  
19 someone out there with me.  
20 Q All right. And anything else? Did you  
21 use his phone?  
22 A He let me use his phone, after he made a  
23 call to 911, to let them know.  
24 Q Did any vehicles at all -- did any  
25 vehicles, between when Mr. Adkins and your car had

34

1 A Yes, sir.  
2 Q Did you see Mr. Adkins in your rear-view  
3 mirror before you got out of your car and walked back  
4 to talk to him?  
5 A What was that question one more time?  
6 MR. SPARROW: Strike that.  
7 Q You testified you looked up and saw the  
8 motorcycle on you. And you realized something had  
9 happened, so you pulled over to stop. Then you  
10 testified that when you got out and were walking  
11 back, Mr. Adkins was standing where you have drawn  
12 him on our little diagram. Did you see what he was  
13 doing at any time between when you saw him hit you,  
14 and when you got out of your car to walk back? Does  
15 that make sense?  
16 A Yes, sir.  
17 Q Did you see him during that period of  
18 time at all?  
19 A No, sir.  
20 Q So do you know how long he had been  
21 standing there?  
22 A It was -- I mean, it was just minutes  
23 after I noticed that he had -- he was on my back  
24 bumper.  
25 Q When you asked him how he was, by the

36

1 way, did he respond? Did he say whether or not he  
2 was hurt?

3 A No, sir.

4 Q Was there any conversation between you  
5 and Mr. Adkins, whether you remember what was said,  
6 at all, between your walking up and saying are you  
7 okay, and your looking up and seeing the truck crest  
8 that hill, as you have described?

9 A I'm sorry.

10 Q Did y'all have any conversation between  
11 when you first walked up and said: Are you okay?  
12 Isn't that first thing that you said to  
13 him?

14 A Yes, sir.

15 Q Or: I'm sorry. Are you okay.

16 Between you saying that, and when you  
17 looked up and saw the truck and said: There's a  
18 diesel truck coming. Did y'all have any conversation  
19 between those two statements, whether you remember  
20 what it was or not?

21 A Not that I recall.

22 Q So you walked up, say: I'm sorry. Are  
23 you okay.

24 And then he didn't say anything?

25 A No.

37

1 Pinckard's did it begin moving, in your judgment,  
2 it's move across the highway?

3 A I would say that it started veering over  
4 like this.

5 Q Okay. Put a --

6 A Meaning. Okay -- including the trailer  
7 that was on the truck?

8 Q Correct. Was the trailer past your  
9 car --

10 A I would say --

11 Q -- before the truck began to the left?

12 A I would say it started like that.

13 Q Okay. You have now drawn a line that  
14 kind of hooks over to the Northbound lane. I'm going  
15 to put an arrow on it to distinguish this.

16 A Okay.

17 Q And that is your representation of the  
18 truck's path after it hit the motorcycle?

19 A Right.

20 Q Did it ever appear to you that the truck  
21 applied its brakes?

22 MS. HAMMETT: Object to the form.

23 A Not that I recall.

24 Q Did you hear any conversation or comment  
25 or statement by either of the two truck drivers,

39

1 Q All right. And then you look up and see  
2 the truck coming, and say: There's a diesel truck  
3 coming.

4 Is that fair?

5 A Right.

6 Q Did you turn your car off? Or was it  
7 idling?

8 A No. I turned the car off.

9 Q What kind of car was it?

10 A A Pontiac Grand Am.

11 Q Now, you testified that the truck  
12 continued in the right-hand, slow southbound lane  
13 before it veered left, over into the northbound  
14 lanes? Correct?

15 A Okay. What?

16 Q You testified that the truck, after it  
17 hit the motorcycle continued in the right-hand  
18 southbound lane, for some period of time before it  
19 crossed the highway?

20 A Uh-huh.

21 Q Did he go past your car?

22 A Yes, sir.

23 Q Did it go past Pinckard's?

24 A No, sir.

25 Q About where, between your car and

38

1 there at the scene, the two being the two trucks  
2 involved at the wreck?

3 A No, sir.

4 Q Did you ever cross the highway to see  
5 what was going on over there?

6 A No, sir.

7 Q Did a trooper or police officer ever come  
8 to investigate your wreck with the motorcycle?

9 A A state trooper.

10 Q Did you talk to him?

11 A He is the one that transported me.

12 Q Transported you where?

13 A To the hospital.

14 Q To give a blood sample? Is that what  
15 that was?

16 A Yes.

17 Q Were you hurt in any fashion?

18 A No, sir.

19 Q How did that check out, by the way?

20 A It all came out good.

21 Q Had you been drinking that day?

22 A No, sir.

23 Q Taking any drugs?

24 A No, sir.

25 Q Now, I'm looking at your interrogatories,

40

1 again. On your answer to number 15, when it's  
2 talking -- I don't know what the question was. But  
3 it appears to be what was going on while you were  
4 standing there talking to Mr. Adkins.  
5 And your answer is about halfway down  
6 that first paragraph. It says: A few moments later  
7 I noticed an 18-wheeler topping the hill. I stated,  
8 oh, no, here comes a truck; you need to move your  
9 motorcycle.  
10 Now, my question is: Did you make that  
11 statement to Mr. Adkins after you saw the truck?  
12 A What was your -- what was your question?  
13 Q Did you say: Oh, no, here comes a truck;  
14 you need to move of your motorcycle?  
15 A Yes, sir.  
16 Q Did he respond in any fashion, after you  
17 said that, but before the truck hit the motorcycle  
18 cycle?  
19 A No, sir.  
20 MR. SPARROW: I think that's all I have right  
21 now.  
22  
23  
24  
25

41

1 Q How long did you work at Krystals?  
2 A It was around six months.  
3 Q Have you ever been fired from any of  
4 these jobs that you named?  
5 A No, sir.  
6 Q Why did you leave the Pick and Save?  
7 A Because of the fact that I was not  
8 getting enough hours.  
9 Q Why did you leave Dairy Queen?  
10 A Because of the fact that I needed to get  
11 something when I could be at home at night.  
12 Q Okay. Your house was on Cactus road at  
13 the time of this accident?  
14 A Yes, sir.  
15 Q Is Cactus Road the same thing as County  
16 Road 5532?  
17 A It's off from that.  
18 Q How far is it from your home from 5532  
19 meets 231?  
20 A It's less than a mile.  
21 Q Do you frequently go to Pinckard's this  
22 time of night?  
23 A Yes, sir.  
24 Q Mainly to get cigarettes and a drink?  
25 Something like that?

43

CROSS EXAMINATION

1 BY MR. WHITT:

2 Q I am Murry Whitt, I represent Mr. Adkins.  
3 I have a few questions about your background. Do you  
4 attend church here, in Pike County?  
5 A No, sir.  
6 Q You named some of your employers earlier?  
7 I believe Dairy Queen?  
8 A Yes, sir.  
9 Q How long did you work at Dairy Queen?  
10 A Four months.  
11 Q How long had you worked at Krystals at  
12 the time of accident?  
13 A I was there at Krystals for about six  
14 months.  
15 Q Have you held any jobs for more than year  
16 in the last five years?  
17 A Yes.  
18 Q Where did you work for more than a  
19 year?  
20 A I worked at Wayne Farms.  
21 Q What did you do for Wayne Farms?  
22 A I was in the processing.  
23 Q And how long did you work there?  
24 A I was there a year.  
25

42

1 A Yes, sir.  
2 Q How often would you go to Pinckard's  
3 between 6:00 and 9:00?  
4 A Pretty regular.  
5 Q All right. And that night were you  
6 getting anything for anybody else or just for  
7 yourself?  
8 A For my mother.  
9 Q Does she live with you? Or did she live  
10 with you at Cactus Road?  
11 A No, sir.  
12 Q Do your children live with you at Cactus  
13 road?  
14 A No, sir.  
15 Q So you lived alone there?  
16 A No.  
17 Q Who did you live with on Cactus Road.  
18 A Friends of mine.  
19 Q What are their names?  
20 A Sherry Myers.  
21 Q Okay. Who else.  
22 A Her children.  
23 Q How many kids does she have?  
24 A Two.  
25 Q And were they at the house on Cactus Road

44

1 when you left to go to Pinckard's?

2 A Yes, sir.

3 Q Before you pulled out from County Road  
4 5532 onto Highway 231, did you come to a complete  
5 stop?

6 A Yes, sir.

7 Q Did you have to wait for traffic to  
8 clear?

9 A Yes, sir.

10 Q How long did you wait before you crossed  
11 into Highway 231?

12 A I would say a couple of minutes.

13 Q So you waited a couple of minutes for the  
14 traffic going northbound to clear before coming  
15 across 231?

16 A Yes, sir.

17 Q Then you got into the turn lane. Did you  
18 drive any distance in the turn lane? Or did you  
19 pretty much turn into the lane to make a stop, to  
20 wait for traffic to clear?

21 A I had moved just a little bit in that  
22 turn lane. I mean, I wouldn't say, like, two or  
23 three yards. I mean --

24 Q How far is it from where you were  
25 stopped, before you entered 231, until Pinckard's?

45

1 Q Okay. So earlier I think you said two or  
2 three minutes. Is that still accurate? Or do you  
3 want to change that answer.

4 A Two or three?

5 Q You said you were in the turn lane two  
6 two or three minutes before you --

7 A Yes, in the turn lane two or three  
8 minutes.

9 MR. FREEMAN: Just listen to the question.

10 Q You were in the turn lane for about two  
11 or three minutes?

12 A Uh-huh.

13 Q Is that a long period of time to wait for  
14 traffic to clear?

15 A Not on a everyday basis.

16 Q What do you mean by that?

17 A Meaning, there's certain times of the day  
18 out there in that area, that the traffic is a lot  
19 less heavier.

20 Q And that's one of those periods of time?  
21 Around 7:00 o'clock at night?

22 A You can't just say: Oh, tonight at 7:00  
23 o'clock, it's going to be completely dead. I mean,  
24 it's hard to tell, I mean, the traffic flow.

25 Q Do you remember how many cars and trucks

47

1 A Can you repeat that?

2 Q Okay. You said you were stopped waiting  
3 to enter 231 on County Road 5532?

4 A Uh-huh.

5 Q How far is it from that point to  
6 Pinckard's?

7 A From where I stopped in the turn lane?

8 Q No. Where you stopped before you got to  
9 the turn lane?

10 A At the stop sign?

11 Q Yes.

12 A 25 to 50 feet.

13 Q So all away across the roadway, it was  
14 only 25 to 50 feet from where you stopped before  
15 entering 231, to entered Pinckard's?

16 A From the stop sign.

17 Q So you pulled across the two lanes of  
18 traffic and got into the turn lane?

19 A Uh-huh.

20 Q You came to a complete stop there?

21 A Uh-huh.

22 Q How long were you at a complete stop  
23 there?

24 A Time frame, I couldn't tell you.

25 Because, I mean, I was watching traffic.

46

1 came past you while you were waiting to go to the  
2 turn lane?

3 A I didn't count them.

4 Q Do you have estimate?

5 A I would say probably about 25 to 30,  
6 maybe.

7 Q Do you remember any motorcycles coming on  
8 231 that you had to wait on to cross?

9 A No, sir.

10 Q And the reason you waited to cross, is  
11 because those vehicles traveling on 231, have the  
12 right-of-way in those lanes? Correct?

13 A Right.

14 Q And so, you said you looked over your  
15 shoulder and didn't see any traffic coming on 231  
16 South before pulling out onto 231 South --

17 A Right.

18 Q -- from the turn lane?

19 A Right.

20 Q And you pulled into the right lane,  
21 first?

22 A I pulled into what they would call the  
23 fast lane.

24 Q How long were you in the fast lane?

25 A I was there long enough to check my

48



1 mirrors one more time, and look over my shoulder to  
2 make sure there was nothing coming, so that I could  
3 proceed to -- finish proceeding over to the turning  
4 lane to make it over to the store.

5 Q How far back could you see when you were  
6 looking over your right shoulder?

7 A I could see everything.

8 Q So you could see a long way back?

9 A Right.

10 Q How far is it, from where you stopped in  
11 the turn lane, until Pinckard's?

12 A Okay. Repeat that.

13 Q You were stopped in the turn lane on

14 231 --

15 A Uh-huh.

16 Q -- in the middle lane. How far is it,  
17 from where you were stopped, to the entrance to  
18 Pinckard's, if you know?

19 A I couldn't -- I mean, I'm not sure.

20 Q I believe you said it was about 25 to 50  
21 feet from where 5532 intersects 231 to Pinckard's, so  
22 it would be about half that distance from where the  
23 turn lane is until you get to Pinckard's?

24 MR. FREEMAN: Would you say that, again,  
25 because I think that we can stipulate that it's not

49

1 lane, because it goes for quite a  
2 while.

3 Q I will specify that when I'm talking  
4 about the driveway, I'm talking about the white  
5 concrete, the actually pink property, that's  
6 Pinckard's property. How far is it, from where you  
7 were stopped in the center lane, until Pinckard's  
8 property, the white concrete?

9 A And you want time frame?

10 Q First, I want the distance, and then I  
11 will ask a time frame?

12 A I'm going to say 25 to 50 feet from in  
13 that area.

14 Q Okay. And how long would it take you to  
15 get there from where you were dead stopped until the  
16 white concrete at Pinckard's?

17 A It would only take a couple of minutes,  
18 as long as everything was clear.

19 Q Okay. When you use the term a "couple of  
20 minutes," when you use the word "minutes," are you --

21 A Meaning, less than one minute if  
22 everything is clear.

23 Q So to travel that distance, probably just  
24 a few seconds? Two seconds maybe?

25 A 20 to 30 seconds, at the most.

51

1 25 to 50 feet from the stop sign to Pinckard's.

2 Q I don't know. I'm just going on what  
3 she --

4 A As far as sitting here and telling you --  
5 I mean, I'm not good at giving you yardage and  
6 everything else. I mean --

7 Q If no one was coming from where you were  
8 stopped in the turn lane, how long would you take to  
9 get from a dead stop, a dead stop in the turn lane,  
10 until the driveway of Pinckard's?

11 MS. HAMMETT? The center turn lane?

12 MR. WHITT: I'm talking about the center turn  
13 lane.

14 Q If you were dead stopped in the center  
15 lane, how long would it take you to get from there to  
16 the driveway of Pinckard's?

17 MR. FREEMAN: I'm sorry to interrupt, but, I  
18 think she's talking about the driveway  
19 to Pinckard's. There's a turn lane  
20 that goes for a long time. I don't  
21 know if you are talking about the  
22 driveway for Pinckard's or -- like,  
23 the white concrete-type parking lot of  
24 Pinckard's or are you talking about  
25 the driveway being the right turn

50

1 Q Okay. You testified that you were  
2 driving approximately 40 to 45 miles an hour when you  
3 saw Mr. Adkins vehicle.

4 A Uh-huh.

5 Q From dead stop to less than 50 feet, you  
6 had your car going 40 to 45 miles an hour?

7 A Okay. Repeat that one more time.

8 Q You were in a dead stop in the center  
9 lane?

10 A Uh-huh.

11 Q You said that you were driving 40 to 45  
12 miles an hour when Mr. Adkins came up behind you? Is  
13 that true?

14 A Yes, sir.

15 Q And in that distance, you were able to  
16 accelerate your car to 40 to 45 miles an hour?

17 A Uh-huh. From the time that I got from  
18 the center turn lane, and moved over into the --  
19 moved over from the center lane to get over into  
20 here, to the turn lane, where I wanted to go.

21 Q Okay. And you looked over your shoulder  
22 before you turned into the fast lane?

23 A Uh-huh.

24 Q And you looked over your shoulder before  
25 you turned into the slow lane?

52



1 A Right.  
2 Q Where did Mr. Adkins come from?  
3 A I couldn't tell you that.  
4 Q But you said that you could see as far as  
5 you needed to see back?  
6 A Right.  
7 Q And you don't know where he came from?  
8 A I did not see anything whenever I moved  
9 from that right lane to the left -- from the fast  
10 lane to the slow lane.  
11 Q As we sit here today, why do you believe  
12 that you didn't see anything?  
13 A Because I didn't.  
14 Q Because he was in a blind spot? Because  
15 why?  
16 A I couldn't tell you that.  
17 Q Okay. How long was it after -- what was  
18 the time between when you got in the slow lane, and  
19 when you first saw Mr. Adkins' motorcycle in your  
20 rear-view mirror?  
21 A I couldn't tell you what time it was.  
22 Q Was it less than five seconds?  
23 MR. FREEMAN: I think she said that she  
24 couldn't tell you.  
25 Q You don't have any idea?

53

1 A All I can tell you is it was dark that  
2 night.  
3 Q That's why I feel like we need to  
4 refresh.  
5 A Yes, sir.  
6 Q How long was it between the time that you  
7 got in the slow lane, and when you saw Mr. Adkins'  
8 motorcycle in your rear-view mirror? How much time  
9 passed when you -- between when you got in the lane,  
10 and when you looked back and saw the headlight of the  
11 motorcycle?  
12 A I would say anywhere from 30 to 40  
13 seconds, after I had gotten from here to here. It  
14 may have been longer. I'm mean, I'm telling you, I  
15 cannot -- I was not sitting there driving and trying  
16 to pay attention to a clock.  
17 Q Okay. Do you believe that Mr. Adkins is  
18 somehow responsible for this accident?  
19 A In my heart I feel, yes.  
20 Q Tell me why?  
21 A In my heart why I feel?  
22 Q Yeah?  
23 A Because, I mean, because he hit the back  
24 end of my car. I look in my rear-view mirror to move  
25 over from the slow lane into the turn lane. And he

54

1 is dead smack in the middle of my rear-view mirror.  
2 Q Okay.  
3 A And whenever I preceded over, it was  
4 clear. I did not see anything coming, by using my  
5 mirrors and looking over my shoulder.  
6 Q You said that you didn't feel any  
7 collision as a result of this accident?  
8 A No.  
9 Q Was there any damage to your vehicle?  
10 A Yes.  
11 Q Okay. Where was your vehicle damaged?  
12 A Both taillights was busted out.  
13 Q Did you hear any collision?  
14 A No.  
15 Q But you would agree, based on looking at  
16 your car, that his motorcycle struck both taillights  
17 of your vehicle?  
18 A Uh-huh.  
19 Q Anything else on your vehicle that had  
20 any scratches, dings, any damage?  
21 A No.  
22 Q Just the taillights?  
23 A Uh-huh.  
24 Q You pulled your car over into the turn  
25 lane and stopped? The far right turn lane and

55

1 stopped? Right?  
2 A Uh-huh.  
3 Q How far were you from the Pinckard's  
4 driveway then? The white concrete?  
5 MR. FREEMAN: If you know.  
6 A I couldn't tell you.  
7 Q Okay. How long did it take you -- did  
8 you sit in your car for a while? Or did you  
9 immediately walk back towards the vehicle?  
10 A I mean, immediately as soon as I stopped  
11 my vehicle, I got out of the car and walked back  
12 there.  
13 Q And what was Mr. Adkins doing? Was he  
14 standing there?  
15 A Uh-huh.  
16 Q Did he appear to be injured in way?  
17 A No.  
18 Q He didn't appear to be in any pain?  
19 A No, sir.  
20 Q You asked him if he was okay?  
21 A Yes, sir.  
22 Q And he didn't respond?  
23 A No, sir.  
24 Q When he didn't respond, what did you do  
25 then?

56

1 A That's whenever I noticed the 18-wheeler  
2 coming.  
3 Q So right after you asked him if he was  
4 okay was when you noticed the 18 wheeler coming?  
5 A Uh-huh?  
6 Q Have you ever ridden a motorcycle  
7 before?  
8 A No, sir.  
9 Q Have you ever seen a motorcycle like the  
10 one Mr. Adkins was driving that night?  
11 A No, sir.  
12 Q Did you see any damage to the motorcycle  
13 before the accident?  
14 A No, sir.  
15 Q Before the second accident?  
16 A No, sir, other than it laying on the  
17 roadway.  
18 Q How close did you get to the motorcycle  
19 that was laying in the roadway?  
20 A I was standing right there on the side of  
21 the roadway.  
22 Q How far were you from the motorcycle?  
23 A I was -- I mean -- I had enough -- a  
24 couple of steps, and I could have been right there at  
25 the motorcycle.

57

1 Q Okay. Were you that close to Mr. Adkins,  
2 also?  
3 A I mean --  
4 Q Couple of steps?  
5 A -- yeah.  
6 Q How long did you have from the time that  
7 you said: Here comes the diesel truck or something  
8 to that effect before the truck hit the motorcycle?  
9 A I'm sorry?  
10 Q How much time was there between the time  
11 that you noticed the diesel coming and when you hit  
12 Mr. Adkins' motorcycle?  
13 A I'm going to say -- it's going to be less  
14 than a minute.  
15 Q Did you make any effort to move the  
16 motorcycle?  
17 A I just -- whenever I seen the diesel  
18 truck coming, I just froze.  
19 Q You weren't hurt?  
20 A No.  
21 Q You could have moved it?  
22 A I could have.  
23 Q Do you believe that Mr. Adkins called  
24 911?  
25 A He said he did.

58

1 Q When did he call 911? Before the truck  
2 hit the motorcycle or afterwards?  
3 A Afterwards.  
4 Q Had you tried to dial 911 on your phone  
5 before the diesel hit the motorcycle?  
6 A No, sir.  
7 Q Had you even looked at your phone before  
8 that?  
9 A My phone was left in the car.  
10 Q So this accident happened, and  
11 do you know exactly what Mr. Adkins said about  
12 insurance coverage in relation to his motorcycle  
13 after the diesel hit the motorcycle? Do you know  
14 exactly what he said?  
15 A He threw his hands up, and said: Oh,  
16 well, I have full-coverage insurance.  
17 Q Okay. What happened next? Was that  
18 immediately after this accident?  
19 A Uh-huh.  
20 Q Was that before the diesel hit the diesel  
21 that was coming northbound or after?  
22 A It was before the two diesels collided.  
23 Q Okay. What happened after the two  
24 diesels collided between you and Mr. Adkins?  
25 A Okay. I went -- I was trying to get a

59

1 hold of 911.  
2 Q On whose phone?  
3 A On my phone. And my phone -- it was  
4 just -- it shut down. It wouldn't -- all I got was  
5 ringing. No one would answer the phone.  
6 Q Now your phone was left in your car?  
7 Right?  
8 A Right.  
9 Q Did you run or walk back to your car?  
10 A I run back to my car to get the phone.  
11 Q When did Mr. Adkins tell you that he had  
12 called 911?  
13 A He never actually said that. I heard him  
14 on his phone saying that he needed -- that we needed  
15 emergency personnel out there, that there had been a  
16 wreck, and gave the location where it was on 231.  
17 Q After you ran to your car, did you run  
18 back to Mr. Adkins?  
19 A I went back over that way. Because you  
20 could feel the heat from where the two trucks  
21 collided.  
22 Q You asked to use his phone then?  
23 A After he made a call to 911, and seeing  
24 that I couldn't get -- my phone had just shut down.  
25 I couldn't make any calls or nothing.

60

1 Q So he offered his phone to you?  
2 A After I -- after I asked to use the phone  
3 to get someone out there with me.  
4 Q Okay. Who did you call?  
5 A I called Chris Merit.  
6 Q Did you talk to Chris?  
7 A No.  
8 Q Did you leave a message for Chris?  
9 A I just said that he needed to get out  
10 there where I was, and I gave the location of where I  
11 was.  
12 Q Did you leave -- I mean, you left a voice  
13 mail or a message?  
14 A No.  
15 Q You said that you didn't talk with him?  
16 A No, I didn't talk with him.  
17 Q Who did you talk with?  
18 A I talked with Sherry.  
19 Q Where was Sherry?  
20 A At her home.  
21 Q Okay. Did Chris live with you at that  
22 home?  
23 A Yes.  
24 Q But Chris wasn't there?  
25 A Yes. He was there.

61

1 Q What did you tell Sherry?  
2 A That I had been in a wreck, that if she  
3 would, to please get him to -- bring him over to  
4 where I was -- gave her -- told her where I was and  
5 everything.  
6 Q You asked Sherry to bring Chris there?  
7 A Yes.  
8 Q Did she do that?  
9 A Yes.  
10 Q What time -- how long after the accident  
11 did Chris get there?  
12 A I couldn't -- I mean, like I said, I  
13 could not tell you how long it was, because I was not  
14 looking at a clock.  
15 Q Did you call anyone else?  
16 A No.  
17 Q Who is Jenny Jackson?  
18 A A friend of mine.  
19 Q Did you talk to Jenny?  
20 A I talked to her, too.  
21 Q Where was Jenny when you talked to her?  
22 A She was at her sister, Sherry Lewis'  
23 house.  
24 Q Is that the same house that you lived?  
25 A Yes.

62

1 Q You did talk to Jenny that night?  
2 A Yes.  
3 Q Did you tell Jenny about the accident,  
4 what had happened?  
5 A Yes.  
6 Q In your interrogatory responses, you said  
7 that Jenny and Sherry came to the scene, but they  
8 went back home to get Christopher?  
9 A Right.  
10 Q Didn't you ask them to bring Christopher  
11 with them?  
12 A Right. Because I had spoke to Jenny.  
13 And she told me that she couldn't understand exactly  
14 what all I was saying. So her and Sherry got in her  
15 car. And whenever they got there to the stop sign  
16 there at 55 -- 553, the County Road, she turned  
17 around and went back to the house to get Chris. So I  
18 mean, there was -- I can't tell you if it was 5  
19 minutes, 10 minutes, because I wasn't looking at no  
20 clock.  
21 Q When did Mr. Adkins tell you that he was  
22 shaken up by this accident?  
23 A I don't even -- I mean, it was like -- it  
24 was after -- I recall after the two trucks -- after  
25 the two trucks collided is what I'm recalling.

63

1 Q Okay. So your interrogatory responses,  
2 when you say: All I remember is asking the  
3 motorcycle driver if he was okay. He said: Yes,  
4 just shaken up. A few moments later, that's what I  
5 noticed the 18 wheeler topping the hill.  
6 Is your testimony today incorrect, or are  
7 your interrogatories incorrect.  
8 MR. FREEMAN: He is reading number 15.  
9 A What was your question one more time.  
10 Q When did Mr. Adkins tell you that he was  
11 shaken up by the accident?  
12 A It was before the truck -- the two trucks  
13 collided.  
14 Q So he did respond to you when you asked  
15 if he was okay?  
16 A Yes.  
17 Q He did tell you that he was shaken up?  
18 A Yes.  
19 Q Do you remember exactly what he said  
20 about his injuries?  
21 A No, sir.  
22 Q Did you know that he had a broken wrist  
23 as a result of this accident?  
24 A No, sir.  
25 Q Did you know that he had an injury to his

64

1 neck as a result of this accident?

2 A No, sir.

3 Q Did you know that his chin slammed down  
4 on the pavement as a result of this accident?

5 A No, sir.

6 Q Did you expect him to pull the motorcycle  
7 from the roadway with a broken wrist?

8 MR. FREEMAN: Object to the form.

9 Q You can answer.

10 A I mean, at the time, I did not know that  
11 he had a broken wrist.

12 Q Do you have an estimate for how long you  
13 were in the fast lane, before you merged into the  
14 slow lane?

15 A I mean, I wouldn't say a whole minute,  
16 because it was not a whole minute. I mean, I was  
17 there a couple of seconds.

18 Q Did you talk to the state trooper who  
19 investigated the accident?

20 A Yes, sir.

21 Q Did you talk to him at the scene -- at  
22 the scene of the accident?

23 A Yes.

24 Q He was the one who transported you to, I  
25 guess, Troy for the blood test?

65

1 A Yes, sir.

2 Q Did you talk to him then about the  
3 accident?

4 A Where?

5 Q In the car on the way to the hospital?

6 A Not -- no.

7 Q Did you talk to anyone else at the  
8 scene?

9 A Not until Chris got there.

10 Q When Chris got there were you crying?

11 A I was just -- I was frantic.

12 Q Did you ever tell Chris that you believed  
13 that you may have caused an accident that killed  
14 someone?

15 A Not that I recall.

16 MR. WHITT: That's all I have.

17 THE WITNESS: Can we take a break?

18 MR. FREEMAN: Sure.

19

20

21

22

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66

1 CROSS EXAMINATION

2 BY MS. HAMMETT

3 Q Mrs. Champion, I am Katie Hammett. I  
4 represent Lane Heard Trucking in this case and Mike  
5 Duke, who was the driver of truck who ran over the  
6 motorcycle. I have few questions, if they have been  
7 asked, I apologize. I will try to keep them  
8 relatively short. Okay. When did you purchase your  
9 car?

10 A I had gotten in that day.

11 Q So you had just purchased it?

12 Q Where did you purchase it from?

13 A Charlie's Auto Sales.

14 Q What time of day did you purchase your  
15 car?

16 A I got it between between 4:30 and quarter  
17 'til 5:00.

18 Q So you had only had your car two or three  
19 hours before you had the accident? Right.

20 A Yes, ma'am.

21 Q When you purchased the vehicle, did you  
22 inspect it? Or did someone else inspect it to make  
23 sure that it was working correctly?

24 A Yes, ma'am.

25 Q Did you do that, or did someone else do

67

1 that? Physically inspect the vehicle?

2 A Charlie is a mechanic. He checked  
3 everything underneath the hood, as well as I was  
4 there, right there.

5 Q So did you notice that the headlights  
6 were working? Both headlights?

7 A Yes, ma'am.

8 Q Both taillights?

9 A Yes, ma'am.

10 Q And your blinkers were working?

11 A Yes, ma'am.

12 Q Did you try your flashers?

13 A Yes, ma'am.

14 Q Your emergency lights were working?

15 A Yes, ma'am.

16 Q Did you get the title to that car that  
17 day?

18 A No, ma'am.

19 Q When did you get the title to the car?

20 A I just got the title to the car last  
21 week.

22 Q Did you pay in full for the car that day,  
23 or was it financed?

24 A It was financed.

25 Q Did you finance it through Charlie's Auto

68

1 Sales?  
2 A Yes, ma'am.  
3 Q After the collision with the motorcycle,  
4 your collision with the motorcycle, you testified  
5 that the motorcycle lights were not on? Is that  
6 correct?  
7 A Yes.  
8 Q And you pulled over into the right-hand  
9 turn lane? Is that correct?  
10 A From the store.  
11 Q And you turned off your vehicle?  
12 A Yes, ma'am.  
13 Q Were the headlights still on?  
14 A Yes, ma'am.  
15 Q Did you turn your flashers on, your  
16 emergency lights on?  
17 A No, ma'am, I didn't turn those on.  
18 Q You testified earlier about, that you  
19 know that you collided with the motorcycle because  
20 there was damage to your vehicle?  
21 A Right.  
22 Q And both taillights were out?  
23 A Right.  
24 Q That was as a result of your collision  
25 with the motorcycle?

69

1 A Uh-huh. The headlight was over this  
2 way.  
3 Q But there were no lights on it at that  
4 point?  
5 A Right.  
6 Q So did you pull over because you saw the  
7 motorcycle fall down on the roadway? Is that the  
8 point you pulled over?  
9 A I'm sorry. What was your question?  
10 Q At what point did you start pulling over  
11 into the right turn lane? Is that because you  
12 noticed him fall down or lay the motorcycle down? Or  
13 did you have a sense that something happened?  
14 A Whenever I noticed that he was in my  
15 rear-view mirror, when I was in the right lane, which  
16 is considered the slow lane, I had checked one more  
17 time to be sure that there was nothing that was  
18 coming around in this turn lane, and moved over.  
19 Q And did you immediately get out of your  
20 car or did you --  
21 A I mean --  
22 Q -- or did you sit there a minute?  
23 A No. As soon as I stopped my car and put  
24 it in park, and I switched it off, I got out and went  
25 back to check on Mr. Adkins.

71

1 A Right.  
2 Q I want to refer you back to this diagram  
3 that you did just so I understand after your  
4 collision with the motorcycle, before the truck comes  
5 and hits it, the motorcycle is lying perpendicular  
6 through the right lane?  
7 A Yes, ma'am.  
8 Q And the wheels would be facing, if  
9 somebody is traveling on that road, say they were  
10 traveling southbound, they would see -- if they could  
11 see it, would see the wheels pointing north?  
12 A Right.  
13 Q Both wheels were pointing north?  
14 A Right.  
15 Q I am terrible with directions. In this  
16 drawing, would the front of the motorcycle be facing  
17 where you were standing in the right turn lane, or  
18 would they be facing to the other turn lane of  
19 traffic? In other words, was the front of the  
20 motorcycle here or here?  
21 A This is that the way the motorcycle was  
22 laying. Okay. This is the wheels. We will say this  
23 up here is the seat and handle bars. Right here.  
24 Q Okay. So the front of the motorcycle was  
25 pointed towards the other lane of traffic?

70

1 Q So you got out of your vehicle? And you  
2 were able to at least see a figure ahead of you? Is  
3 that right?  
4 A Right.  
5 Q Did you see Mr. Adkins at any point make  
6 a move towards the road to get the vehicle out of the  
7 way, as you were walking up?  
8 A No.  
9 Q At any point did you see him move to get  
10 that motorcycle out of the roadway?  
11 A He didn't never touch the motorcycle.  
12 Q It took you some time, at least, to  
13 travel from the car to the motorcycle area? Is that  
14 correct? You walked whatever that distance is?  
15 A Uh-huh.  
16 Q Do you have an approximation of that  
17 distance? I know we have had some distance problems  
18 today, but do you know how long away you were from  
19 the motorcycle?  
20 A No.  
21 Q And when you approached Mr. Adkins were  
22 y'all standing next to each other?  
23 A I mean, it was like me and Mr. Freeman.  
24 I mean, that's how close we were. I mean, it wasn't  
25 like you and I, how far away we are.

72



1 Q So he was essentially standing right next  
2 to you?

3 A Basically.

4 Q And you stated neither one of you made  
5 any attempt to move the motorcycle from the  
6 roadway?

7 A Right.

8 Q You testified earlier they took your  
9 blood and urine samples?

10 A Right.

11 Q And you consented to that? Correct?

12 A Yes.

13 Q Have you received any results of these  
14 tests?

15 A No, ma'am.

16 Q I wanted to get something cleared up.  
17 The motorcycle was in the right-hand or the slow  
18 lane? Is that correct?

19 A Uh-huh.

20 Q And that's where the truck ran over the  
21 motorcycle? Is that correct?

22 A That's correct.

23 Q You said earlier that you saw the left  
24 side of the cab of the truck come up over the  
25 motorcycle? Is that the right -- was it the right

73

1 describe for me one more time, just so we know what  
2 happened after the truck hit the motorcycle?

3 A It -- like I said earlier, that the  
4 truck -- the trailer -- the truck come on up past my  
5 car. The trailer -- and once the trailer -- before  
6 the back end of the trailer actually completely fully  
7 passed my car, is whenever I started seeing the truck  
8 start curving over. And then that's whenever it went  
9 on and hit with the other truck head on.

10 Q Okay. Did you see -- did it appear that  
11 the trailer or the tractor of the truck was tipping  
12 over?

13 A I don't recall seeing it -- the trailer  
14 or the truck. But I know that I recall seeing it  
15 after the fact, that it was laying on its side, the  
16 trailer. But I don't recall seeing the truck or the  
17 trailer starting to tip.

18 Q Is it possible that it was and you just  
19 didn't see it?

20 A It's possible that it was. Right. And I  
21 just don't recall seeing it, really.

22 Q And as the truck is moving into the other  
23 lane of traffic, is it still sparking? Is there  
24 fire? Do you recall?

25 A I don't recall.

75

1 or the left?

2 A It was the left.

3 Q Was the motorcycle sitting in the middle  
4 of the roadway, dead in the middle? Or was it more  
5 to the right or left?

6 A No. Right dead in the middle of the  
7 roadway.

8 Q So when you say the left side of the cab  
9 came up over the motorcycle, do you mean you saw the  
10 wheels leave the ground?

11 A Uh-huh. That left front tire came up off  
12 the ground.

13 Q Okay. And the motorcycle became lodged  
14 under the truck?

15 A Yes, ma'am.

16 Q Did you see fire or sparks?

17 A There were sparks.

18 Q At any point did you ever turn away from  
19 the accident, or cover your face, or close your eyes?  
20 Or were you focused on the roadway?

21 A I don't recall anything like that. I  
22 mean, I know that whenever I seen that truck coming,  
23 I know I put my hands up like this. And, I mean, I  
24 seen the whole thing.

25 Q Okay. And just so we know, can you

74

1 Q Did you ever see an explosion?

2 A Yes.

3 Q Did you see more than one?

4 A I don't recall more than one.

5 Q And at what point did you see the  
6 explosion?

7 A I mean it was like as soon as the two  
8 front ends of the truck -- I mean it was like --  
9 puff.

10 Q Would you say that the truck, after it  
11 hit the motorcycle, made a hard left? Was it a  
12 jerking move?

13 MR. FREEMAN: Can you ask that question, again?

14 Q Well, I am just -- she said "veer." I am  
15 trying to be a little more specific. When the truck  
16 hit the motorcycle, did it make an immediate left, if  
17 you know?

18 A Not as soon as it hit the motorcycle.

19 Q How long before?

20 A Like I said, I mean, once the truck --  
21 the -- I know for sure that the cab of the truck was  
22 past my car whenever it started doing the swerving  
23 and it veered over.

24 Q So did the truck swerve, or did I just go  
25 to the left. Let me clarify. Do you mean, when you

76



1 say swerve, do you mean that it went to the right and  
2 the left? Or did it just go to the left?

3 A What I recall, it looked like it was  
4 going left and right. And I guess, he just turned  
5 the wheel on over to the left of -- because of the  
6 store right there. I don't know. I don't know if  
7 his -- what his intentions was, you know.

8 Q Do you know whether or not he had control  
9 over the vehicle?

10 A Are you talking about before or after?

11 Q After it hit the motorcycle?

12 A There for -- as soon as he run over the  
13 motorcycle, he maintained the truck. I mean, you  
14 know, and then I just started noticing it going over  
15 into the on-coming truck.

16 Q And do you have a judgment how far away  
17 your vehicle was from where the motorcycle was laying  
18 before the impact of the truck?

19 A My car -- it was -- I mean, it was in  
20 walking distance. I mean, it wasn't, you know, very  
21 far away.

22 Q So after the truck runs over the  
23 motorcycle, and the two trucks collide, where do  
24 those two trucks end up?

25 A They were still in the roadway.

77

1 Q And was it before or after the two trucks  
2 collided?

3 A It was after the two trucks collided.

4 Q Did either you or Mr. Adkins go to assist  
5 after the two trucks collided?

6 A No. As far as me, I know I didn't cross  
7 the roadway. As far as Mr. Adkins, I cannot tell  
8 you.

9 Q So after the two trucks collided, do you  
10 have any knowledge of where Mr. Adkins was?

11 A No, ma'am.

12 Q Did other people go to assist the truck  
13 drivers?

14 A I can't -- I mean -- I couldn't recall  
15 after that.

16 Q Did vehicles begin to stop?

17 A Yes, ma'am.

18 Q Did you see anyone get out of any cars,  
19 either to assist you, or to assist the truck  
20 accident?

21 A Not that I recall.

22 Q Did you speak to anyone, other than your  
23 friends that came --

24 A No.

25 Q -- that may have witnessed the

79

1 Q In the right or the left-hand lane? Fast  
2 or slow lane of that?

3 A After the two trucks collided, the  
4 trailer of Mr. Duke's truck was laying like this in  
5 the roadway. See, this is the way the road -- the  
6 way the table is running here.

7 Q Do you mind if we use this drawing with a  
8 red pen. Can you, with a red pen, draw how the two  
9 trucks ended up?

10 A Okay. This is the truck coming North, I  
11 guess. Okay. And then this is Mr. Duke's truck.

12 The "D" stands for Duke's.

13 Q Okay.

14 A This is his truck. Okay. He is coming  
15 up. And it comes over. And his truck collides like  
16 this. Okay. I'm going to say this is the cab of his  
17 truck. This is the trailer. The trailer was  
18 flipped -- had went over onto its side and was laying  
19 like that. And this truck, it might have moved over  
20 to the -- this being the grass area -- of their  
21 lanes, this truck's lanes.

22 Q I just want to get this straight about  
23 what was done about the 911. Was the 911 call before  
24 or after the truck collided with the motorcycle?

25 A It was after.

78

1 accident?

2 A No.

3 Q Did you know what happened to the truck  
4 drivers after the accident?

5 A Meaning?

6 Q Immediately after the accident, how long  
7 was it before emergency personnel got on the scene?

8 A To me, that night, it seemed like it took  
9 emergency personnel forever to get out there. To me,  
10 like I said earlier, I was not sitting there looking  
11 at no clock to be, like, okay, it's taking them ten  
12 minutes to get here. I wasn't doing anything like  
13 that.

14 Q At the time you were waiting for the  
15 emergency personnel, after the accident had occurred,  
16 what were you doing?

17 A I mean, I was frantic. I mean, my knees  
18 was shaking. I was just shaking all over. And by  
19 the time -- I recall my friend saying: She's in  
20 shock.

21 I mean -- I was -- by the time they got  
22 to me, I had done started hyperventilating.

23 Q And how long after emergency personnel  
24 got there were you on the scene to the accident, did  
25 you stay and talk to troopers for a while?

80

1 A I didn't never leave the scene of the  
2 accident until the trooper transported me from the  
3 scene to the hospital.

4 Q Do you know how long that was?

5 A No, ma'am.

6 Q Did anyone tell you -- did the trooper,  
7 anyone at the scene, tell you anything about the  
8 driver or Mr. Adkins?

9 A The trooper transported me from the scene  
10 to the hospital. And at that time nothing was said  
11 about anyone in the wreck. He had asked me -- he  
12 told me, you know, the type of wreck that happened  
13 and everything else, that he wanted to -- they wanted  
14 to do a blood alcohol test and all done on me.

15 I said: That's fine. I have no problem  
16 with that.

17 And he was like: Would you be willing to  
18 sign the paperwork and all stating that you are  
19 willing to do that.

20 And I said, yes, I will.

21 So we got there to the hospital. And he  
22 got the, you know, kit. I guess he got a kit or  
23 something out of the trunk of his car. The trooper  
24 did. Because he went to the back end of his car.

25 And he walked into the hospital with

81

1 you returned to your car at the scene of the  
2 accident.

3 A No, ma'am.

4 Q Was it before or after midnight?

5 A I couldn't tell you.

6 Q So at that point, the trooper told you  
7 that Mr. Duke's had passed a way?

8 A (Nodding in the affirmative).

9 Q Did he tell you anything else about the  
10 accident or anything else?

11 A No, ma'am.

12 Q At what point did you become aware that  
13 Mr. Adkins had been injured?

14 A I don't recall. The best I can tell you  
15 is whenever I received a letter in the mail that he  
16 was suing me for injuries and everything else. And,  
17 still up until today, I did not know the full extent  
18 of his injuries.

19 Q Right after your vehicle collided with  
20 the motorcycle, and you turned to observe the  
21 on-coming truck, did the truck have its lights on?  
22 Is that how you saw it?

23 A You lost me after --

24 Q I'm trying to be precise about the time.

25 After you had pulled your vehicle over because of the

83

1 something in his hand. What it was, I couldn't tell  
2 you, you know, then they put me in a room. And the  
3 door -- they kept the door shut the whole time I was  
4 there, until the doctor came in or the nurse came in  
5 or the trooper.

6 But as far as I can tell, I do not think  
7 the state trooper stayed at the hospital where he  
8 carried me the whole time. Because they had someone  
9 come in and take the blood.

10 Q Are you aware that Mr. Duke's died in  
11 this accident?

12 A I was told that after the state trooper  
13 picked me up from the hospital and carried me back to  
14 the scene of the wreck.

15 Q Okay. So after the accident, when you go  
16 to the hospital and give a blood sample, at some  
17 point after that, the state trooper came back to the  
18 hospital to pick you up?

19 A Yes, ma'am.

20 Q He returned you back to the scene of the  
21 accident?

22 A Yes, ma'am. My car -- they wouldn't let  
23 my car leave the scene at all, until after they had  
24 gotten through with the investigation.

25 Q Do you know about what time it was that

82

1 collision with Mr. Adkins on his motorcycle, at some  
2 point after that, you observed an on-coming truck?

3 A Right.

4 Q Which we know now to be driven

5 Mr. Duke's?

6 A Right.

7 Q Were you able to see that truck because  
8 it had its headlights on?

9 A Yes, ma'am. It had its headlights, as  
10 well as, you know, the little yellow lights that you  
11 see on a lot of trucks at night.

12 MS. HAMMETT: That's all I have.

13 CROSS-EXAMINATION

14 BY MR. GILL:

15 Q Ms. Champion, my name is Randall Gill.

16 And I'm one of the other lawyers involved in this  
17 case. You testified earlier that the accident with  
18 the motorcycle broke your taillights? Is that right?

19 A Yes. Busted my taillights.

20 Q When did you find out that that  
21 happened?

22 A Whenever I had parked -- whenever I put  
23 my car into park. And I had walked back -- I noticed  
24 that my taillights were busted on my car.

25 Q You were walking back towards Mr. Adkins

84

1 after you parked?

2 A It was whenever I had turned and was --

3 after the -- okay. Whenever I had turned --

4 following Mr. Dukes' semi is when I noticed the

5 taillights on my car had been busted out.

6 Q It was after the impact between the truck

7 and motorcycle that you saw the taillights?

8 A Right.

9 Q They were working, though? Is that

10 right?

11 A The bulb -- it was just more or less the

12 globe. The bulbs were still working.

13 Q So there was light on the back of your

14 car then?

15 A Right.

16 Q And I think, if I'm not mistaken, without

17 looking at the diagram, the motorcycle was behind

18 your car? Is that right?

19 A Right.

20 Q And there were no lights on the

21 motorcycle? Is that right?

22 A Not that I recall.

23 Q I think you said that the Mr. Dukes's

24 truck was coming from sort of coming up over a hill?

25 Is that right?

85

1 the front of that. So, now, next to the motorcycle

2 the arrow is pointing in the direction that the front

3 of the motorcycle was facing --

4 A Right.

5 -- so the diagram is as near as possible.

6 MR. SPARROW: And I will offer that as the only

7 exhibit. I don't have anything else,

8 Ms. Champion. Thank you.

9 CROSS EXAMINATION

10 BY MR. WHITT:

11 Q Did you see Mr. Adkins loaded into an

12 ambulance and taken from the scene?

13 A No, sir.

14 Q Have you ever been arrested?

15 A No, sir.

16 Q Did you see Mr. Adkins at the hospital?

17 A No, sir.

18 MR. WHITT: That's all I have.

19 MS. HAMMETT: I don't have anything else.

20 That's it. Thank you.

21 (End of Deposition).

22

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87

1 A Yes, sir.

2 Q I hate to ask you this question. But do

3 you know how far it is from the point of that hill to

4 where y'all were?

5 A No, sir.

6 MR. GILL: That's all I have. Thank you.

7 REDIRECT EXAMINATION

8 BY MR. SPARROW:

9 Q I just have a couple. Has anybody ever

10 sued you before?

11 A No, sir.

12 Q Have you ever sued anybody?

13 A No, sir.

14 MR. SPARROW: I'm going to mark this now fairly

15 confusing diagram as Plaintiff's

16 Exhibit No. 1.

17 (Exhibit No. 1 marked for

18 identification.)

19 Q And ask you to tell me, this blue line

20 that you drew, that was to indicate the direction

21 that the front of the motorcycle was facing? Is that

22 correct?

23 A Right. This would indicate the direction

24 that the headlight was in.

25 Q I'm going to put a little blue arrow on

86

1 STATE OF ALABAMA  
COUNTY OF PIKE

2

3 I, Sheila Hanson, CSR, a Certified Shorthand

4 Reporter in and for the County of Pike, State of

5 Alabama, do hereby certify:

6 That prior to being examined, the witness named

7 in the forgoing deposition, Ms. Christy Champion, was

8 by me duly sworn to testify the truth, the whole

9 truth, and nothing but the truth.

10 That said deposition was taken before me at the

11 time and place set forth and was taken down by me in

12 shorthand and thereafter reduced to computerized

13 transcription under my direction and supervision, and

14 I hereby certify the foregoing deposition is a full,

15 true and correct transcript of my shorthand notes so

16 taken.

17 I further certify that I am neither counsel for

18 nor related to any party to said action nor in

19 anywise interested in the outcome thereof.

20 IN WITNESS WHEREOF, I have hereunto subscribed

21 my name this \_\_\_\_ day of \_\_\_\_\_, 2006.

22

23

24

25

\_\_\_\_\_  
Sheila Hanson  
Certified Shorthand Reporter

88